

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

UNITED STATES OF AMERICA,

Plaintiff,

:

Case No. 3:05-cr-140  
also 3:07-cv-275

-vs-

District Judge Thomas M. Rose  
Chief Magistrate Judge Michael R. Merz

:

BRUCE D. THORNTON,

Defendant.

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**ORDER ADOPTING REPORT AND RECOMMENDATIONS ON DEFENDANT'S  
SUMMARY JUDGMENT MOTION**

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The Court has reviewed the Report and Recommendations of United States Magistrate Judge Michael R. Merz (Doc. Nos. 69), to whom this case was referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) expired on January 10, 2008, hereby ADOPTS said Report and Recommendations.

It is therefore ORDERED that Defendant's Motion for Summary Judgment be, and it hereby is, denied.

January 18, 2008.

**s/THOMAS M. ROSE**

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Thomas M. Rose  
United States District Judge